

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Sisseton School District
Accountability Review - Monitoring Report 2012-2013

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Dates of On Site Visit: September 25 and 26, 2012

Date of Report: October 24, 2012

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- 3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
 - (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - (a) The student cannot participate in the regular assessment; and

§300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

ARSD 24:05:25:06. Reevaluations. A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability and determining the educational needs of the child;
- If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of determining the child's educational needs under this article, and to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation from secondary school with a regular high school diploma, or exceeding the age eligibility for FAPE.

ARSD 24:05:30:16.01. Transfer of parental rights. Consistent with state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the following shall occur: 2) All other rights accorded to parents under this article transfer to the child;

ARSD 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

(a) Whether the child is a child with a disability; and

(b) The content of the child's IEP, including information related to enabling the child:

(i) To be involved in and progress in the general education curriculum; or

(ii) For a preschool child, to participate in appropriate activities;

(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

ARSD 24:05:25:22 IEP team to develop individual education program. If the child is determined to be in need of special education or special education and related services, the IEP team shall develop an appropriate individual education program for the child. At the beginning of each school year thereafter, the district must have in effect an IEP for each child with disabilities within its jurisdiction. For children beginning at age three, an IEP shall be in effect by that date. If a child's third birthday occurs during the summer, the IEP team shall determine the date when services under the IEP will begin. All IEPs shall be developed in accordance with the provisions of this article.

ARSD 24:05:17:09. Return of Child Count Information. Local education agencies shall return information on counting eligible children to the Office of Data Collection. Each local school superintendent shall certify in writing that the information provided is an accurate and unduplicated count of children with disabilities receiving special education or special education and related services on December 1 of each school year ([Indicator 20 – Timely and Accurate data](#))

Corrective Action:

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 2: This student was reported on child count under the category of Specific Learning Disability (525). A statement of the student's present levels of academic achievement and functional performance (PLAAFP) did not include parent input. Also, at the student's 9-6-12 Individual Education Plan (IEP) annual review meeting, the student was dismissed from expressive language. Based on documentation and input from the speech therapist, appropriate dismissal procedures were not followed.	<ol style="list-style-type: none">1) The district must amend student file #2's IEP to include parent input in the student's PLAAFP. A copy of the amended IEP and prior notice document must be submitted to Special Education Program (SEP) by December 1, 2012.2) The district must develop dismissal procedures and assure all special education staff (including related service staff) are informed of the procedures. A copy of the procedures and how staff were informed must be submitted to SEP by December 1, 2012.	<ol style="list-style-type: none">1) The district will submit to SEP by May 1, 2013 a student file which contains prior notice for consent, evaluation report, if appropriate, and the eligibility form and/or IEP document where dismissal procedures were implemented by a speech therapist since the onsite review.
Date Prong 1 Data Submitted: Status:		

Date Prong 2 Data Submitted:
Status:

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 3: This student was reported on child count under the category of Cognitive Disability (510). A statement of the student's PLAAFP did not include parent input. Also, at the student's 1-18-12 IEP annual review meeting, the team did not address gross motor skills in the student's PLAAFP; however, there was a goal and objectives attached to the student's IEP, and staff indicated a physical therapist was working with the student on gross motor skills. In addition, the services to be provided did not address the student's specialized instruction for gross motor and written expression.	1) The district must amend student file #3's IEP to determine the need for gross motor services and, if need be, address the skill in the student's IEP PLAAFP. Parent input must be documented in the PLAAFP. Also, the team must address the student's specialized instruction for gross motor and written expression (if needed) in the IEP's description of services. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012.	1) The case manager for student file #3 will submit to SEP by May 1, 2013 for <u>one student with a cognitive disability who has been initially evaluated or reevaluated</u> (completed since the on-site review date) a copy of the following: <ul style="list-style-type: none"> • Evaluation reports including skill-based assessment • Eligibility document, and; • IEP

Date Prong 1 Data Submitted:
Status:

Date Prong 2 Data Submitted:
Status:

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 4: This student was reported on child count under the category of Specific Learning Disability (525). In the student's IEP the services to be provided did not address the specialized instruction for written expression. In addition, the justification statement did not describe the student's instructional needs and why the placement option was essential to the student's unique learning needs. In student files #4 and #16, the transfer of parental rights was not addressed one year prior to the student turning eighteen.	1) The district must amend student file #4's IEP to address the student's specialized instruction for written expression in the IEP's description of services. The team must also rewrite the student's justification statement to address the student's instructional needs and why the placement option was essential to the student's unique learning needs. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012. 2) The district must develop transfer of rights procedures and assure all special education staff	1) The case manager for student file #4 will submit to SEP by May 1, 2013 <u>one student's IEP which addresses transfer of rights</u> (completed since the on-site review date).

	who are working with transition-age students are informed of the procedures. A copy of the procedures and how staff were informed must be submitted to SEP by December 1, 2012.	
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 6: This student was reported on child count under the category of Multiple Disability (530). In the student's IEP, the services to be provided did not address the specialized instruction for special education. In addition, the justification statement did not adequately describe the student's instructional needs and why the placement option was essential to the student's unique learning needs.	1) The district must amend student file #6's IEP to address the student's special education and related services to be provided, description, amount, and location. The team must also rewrite the student's justification statement to address the student's instructional needs and why the placement option was essential to the student's unique learning needs. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012.	1) The case manager for student file #6 will submit to SEP by May 1, 2013 <u>one student's IEP</u> (completed since the on-site review date).
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 9: This student was reported on child count under the category of Autism (560). There was no evidence in the student's file of skill-based assessment in the area of behavior/social to support the disability of autism, nor were behavior/social services addressed in the students' IEP (i.e. PLAAFP, goal(s) or services), which are essential to the disability of autism.	1) The district must meet to review the student's evaluation/assessment needs, send prior notice to parent to obtain consent to conduct the appropriate evaluation/assessments, complete needed evaluation/assessments, write a report, meet with parents to review the information, and incorporate it into student's IEP where appropriate (i.e. PLAAFP, goals, and services). 2) A copy of the following documentation must be submitted to SEP by December 1, 2012: <ul style="list-style-type: none"> Prior notice consent 	1) The district must submit to SEP by May 1, 2013 for <u>one elementary-age student with an autism disability who has been initially evaluated or reevaluated</u> (completed since the on-site review date) a copy of the following: <ul style="list-style-type: none"> Prior Notice consent for evaluation Evaluation reports including skill-based assessment Eligibility document and; IEP

	<ul style="list-style-type: none"> • Evaluation/assessment report • Parent invitation to IEP meeting • Updated IEP 	
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
<p>Student File # 10: This student was reported on child count under the category of Autism (560). A comprehensive evaluation was not found in the student's file. There was no evidence to support evaluations were conducted in the required areas: ability, academic achievement, adaptive behavior, behavioral, autism specific instrument, observation and (behavior) skill-based, to determine eligibility for this disability. The student's PLAAFP did not adequately address how the student's disability affects the student's involvement and progress in the general education curriculum, and parent input. When considering special factors during the development of the IEP, the team indicated the student did not have any behavior concerns. Student's disability category indicated otherwise. Positive intervention strategies were not developed to address the student's behavior/social issues. Also, the student's IEP did not adequately address the specialized instruction for special education, and the justification statement did not describe the student's instructional needs and why the</p>	<ol style="list-style-type: none"> 1) The district must meet to review the student's evaluation/assessment needs, send prior notice to parent to obtain consent to conduct the appropriate evaluation, complete needed evaluations, write a report, meet with parents to determine eligibility, and develop an IEP if appropriate. If an IEP is written it must include appropriate documentation for PLAAFP, special factors, specialized instruction for special education and justification for placement. 2) A copy of the following documentation must be submitted to SEP by December 1, 2012: <ul style="list-style-type: none"> • Prior notice consent • Evaluation/assessment report • Eligibility document and • IEP 	<ol style="list-style-type: none"> 1) The district must submit to SEP by May 1, 2013 for <u>one student age 3-5 with a disability other than developmental delay, who has been initially evaluated or reevaluated</u> (completed since the on-site review date) a copy of the following: <ul style="list-style-type: none"> • Prior Notice consent for evaluation • Evaluation reports including skill-based assessment • Eligibility document and; • IEP

placement option was essential to the student's unique learning needs.		
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File #11: This student was reported on child count under the category of Specific Learning Disability (525). A statement of the student's PLAAFP did not adequately address how the student's disability affects the student's involvement and progress in the general education curriculum.	1) The district must amend student file #11's IEP to adequately address how the student's disability affects the student's involvement and progress in the general education curriculum. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012.	1) The case manager for student file #11 will submit to SEP by May 1, 2013 <u>one student's IEP</u> (completed since the on-site review date).
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File #12: This student was reported on child count under the category of Developmental Delay (570). The student was referred from Part C services; however, Part B services were not in place by the child's third birthday. Also, the student's IEP does not break out the student's specialized instruction for special education and the justification statement does not reject least restrictive environment options on the continuum of placements.	1) The district must amend student file #12's IEP to address the student's specialized instruction for special education and adequately address justification for placement. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012. 2) The district must develop procedures for transition from Part C to Part B, and assure all early childhood special education staff are informed of the procedures. A copy of the procedures and how staff were informed must be submitted to SEP by December 1, 2012.	1) The district will submit to SEP by May 1, 2013 a file for a student who transitioned from Part C to Part B since the on-site review date. Documentation must include a copy of the student's referral and IEP.
Date Prong 1 Data Submitted:		

Status:
Date Prong 2 Data Submitted:
Status:

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student File # 13: This student was reported on child count under the category of Specific Learning Disability (525). The student's PLAAFP did not adequately address how the student's disability affects the student's involvement and progress in the general education curriculum, and parent input. Also, the student's justification statement did not adequately describe the student's instructional needs and why the placement option was essential to the student's unique learning needs.	1) The district must amend student file #13's IEP to adequately address the student's PLAAFP needs and justification. A copy of the amended IEP and prior notice document must be submitted to SEP by December 1, 2012.	1) The case manager for student file #13 must submit to SEP by May 1, 2013 <u>one student's IEP</u> (completed since the on-site review date).
Date Prong 1 Data Submitted:		
Status:		
Date Prong 2 Data Submitted:		
Status:		

Student:	Prong 1 - Required Action and Date to be Submitted:	Prong 2 - Required Action and Date to be Submitted:
Student Files #24, 25, 26 and 27: These students were reported on child count under the disability categories of Speech/Language or Specific Learning Disability (550 or 525). The December 1, 2011 child count did not report accurate information on eligible children to the Office of Data Collection. IEPs for these students were not in effect on December 1, 2011.	1) The district must develop child count procedures to assure accurate child count information is submitted to the Office of Data Collection. A copy of the procedures must be submitted to SEP by December 1, 2012.	1) The district must submit the IEP cover page for all students on their December 1, 2012 child count to SEP by May 1, 2013.
Date Prong 1 Data Submitted:		
Status:		

Date Prong 2 Data Submitted:
Status:

Student:	Prong 1: Required Action:	Data To Be Submitted:
Through a review of student files (5, 18, 19, 20 and 23) data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration, or documented appropriately.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.	The district will collect and submit to SEP the following data: 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.
Timeline for Completion: March 15th, 2012		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

Implement policy/procedure/practice identified in Prong #1.

Data To Be Submitted:

Data submitted for Prong #1 will be used to verify correction.

Target Date for Completion:

Date - Status Report:

State Performance Plan – Performance Indicators

Indicator 1 – Graduation Rate

ARSD 24:05:27:12. Graduation requirements.

Percent of youth with IEP's graduating from high school with a regular diploma.

State Target: 84%

District 55.56%:

District Response:

Sisseton High School did not meet the Indicator 1, state target of 84% for Graduation Rate. Many policies and activities are being implemented to address this

goal:

- students are provided with an ACT period every day in which they are part of a small group of students with one teacher who works with SD MyLife, keeps track of missing assignments, and does relationship building with the students to encourage them to stay in school and complete work;
- special education staff are going into general education classes in math, science, and English to provide support to students while keeping them in the classroom instructional setting;
- Title VII workers contact students/parents who are absent and provide transportation if needed on a daily basis; and
- PBIS team tracks discipline referrals and creates individualized behavior plans for students to help them get back on track.
- This school year, we have added an Alternative Classroom for students on an IEP who have not been successful in the school setting for the purpose of keeping them in school and creating an opportunity for success for them.
- A+ Credit Recovery classes are offered during the school year and during the summer. A special education teacher is provided for support during both times.

Indicator 5 – Placement of Children Age 6-21

ARSD 24:05:28:01. Least restrictive program to be provided.

Percent of children with IEPs aged 6 through 21:

- A. inside the regular class 80% or more of the day inside the regular class 80% or more of the day;
- B. inside the regular class less than 40% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

State Target: 66%

District Rate: 77.92%

District Response:

Sisseton School District has now met the state target for Indicator 5 of 66%. The district has improved in this area by creating more inclusive classroom instruction with special education supports. In Sisseton high school, special education staff go into classes for algebra, English, and physical science where there are a number of students on IEPs to enable them to stay in the classroom for the entire period for instruction. At Sisseton Middle School, the students are placed in double period language arts classrooms with a general education language arts teacher and a special education teacher who co-teach the class. For math, they attend a smaller class with full time special education support. At Westside Elementary School, the special education teachers go into classes to co-teach for math and writing, and special education support staff go into general education classes throughout the day to support students in the classrooms and enable them to stay in the classroom. At New Effington Elementary School, the students on IEPs are supported in the same way, with special education staff going into the classrooms to support the students.

In addition to meeting the Least Restrictive Environment indicator, we are finding that, overall, our students on IEPs are making good achievement gains in math and reading, too.